

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC**

In the Matter of

**Spectrum Needs of Emergency Response
Providers**

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WT Docket No. 05-157

To: The Commission

**COMMENTS OF
THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.
AND THE
INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION**

The International Association of Fire Chiefs, Inc. ("IAFC"), and the International Municipal Signal Association ("IMSA") respectfully submit these comments in response to the Federal Communications Commission's Public Notice inviting comments on the spectrum needs of emergency service response providers in accordance with Section 7502 of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108-458.¹ IMSA and IAFC welcome this opportunity to provide comments on the spectrum needs of first responders in the post 9-11 environment.

I. BACKGROUND

IAFC is a voluntary, professional membership society. Its membership, comprised of approximately 12,000 senior Fire Service officials, is dedicated to the protection of life and property throughout the United States and abroad. IAFC is the major national professional

¹ FCC 05-80 (rel. Mar. 29, 2004).

association representing the interests of senior management in the Fire Service. The Fire Service is the largest provider of emergency response medical services in the United States. A description of America's Fire Service is appended as Attachment A to these comments.

IMSA is a non-profit organization dedicated to the development use of electric signaling and communication systems in furtherance of public safety. IMSA's 10,000 members include representatives of federal, state, county, city, township and borough governmental bodies, and representatives of governmental bodies from foreign nations. Organized in 1896, IMSA is the oldest organization in the world dedicated to the activities pertaining to electrical engineering, including the public safety use of radio technology.

Together, IMSA and IAFC are recognized by the Commission as one the four public safety frequency coordinating committees, and have responsibility for the frequencies assigned exclusively for Fire and Emergency Medical Services as well as the Public Safety Pool channels.

II. COMMENTS

IAFC and IMSA are members of the National Public Safety Telecommunications Council ("NPSTC") and are familiar with the comments NPSTC is jointly filing with the Association of Public-Safety Communications Officials-International, Inc. ("APCO"). IMSA and IAFC endorse and support those comments. The description of public safety needs in a post 9-11 environment will not be repeated in these comments; however, reference is made to the report this week that the leaders of the 9-11 Commission are expressing concern over the lack of implementation of the Commission's recommendations, including the need to make increased radio spectrum available to first responders. *See Attachment B.*²

² This report was published at http://www.usatoday.com/news/washington/2005-04-26-sept-11-progress_x.htm.

IAFC and IMSA submit these comments to emphasize the need for additional spectrum in the VHF frequency band. The role of the VHF frequency band as the work-horse of public safety communications is described in the NPSTC comments submitted in this proceeding. In particular this applies in the Fire Service. This is true for several reasons, including propagation characteristics and range of VHF band channels. The Fire Service is ubiquitous in this country, serving and being located throughout major metropolitan areas, in suburbs, and in rural towns. The VHF band provides not only the most effective coverage to meet these dispersed geographic needs, but also the cost effectiveness so crucial to the Fire Service, especially in rural areas and to volunteer departments. As described in Attachment A, volunteers comprise 75% of America's Fire Service. The greater range of VHF over 700 and 800 MHz band systems provides the needed coverage while minimizing the need for multiple fixed and repeater stations to achieve that coverage. Cost efficiency is of particular importance to rural and volunteer fire departments where budgets are quite limited and often are supplemented by bake sales conducted by the department members and their families.

Congress in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, P.L. 106-398, Title XVII—Assistance to Firefighters, § 1705, directed the Secretary of Defense to conduct an engineering study to identify any portion of the 138-144 MHz band the Department of Defense (DOD) could share with public safety agencies. This band is ideal for meeting Fire Service and other public safety telecommunications requirements. DOD conducted the report required by Congress, and presumably submitted a copy to the committees of jurisdiction of Congress. *See* DOD News Release, a copy of which is appended to these

Comments as Attachment C.³ While DOD concluded that “it is possible to share portions of the 138-144 MHz band with public safety users on a limited, coordinated basis,” according to the News Release, DOD classified the report without sharing either the methodology or analysis with the public safety community, or submitting the report to an independent third party such as the Office of Science and Technology of the National Institute of Justice for peer review and validation. Thus, there is no independent assessment of DOD’s conclusions.

What DOD means by the statement that sharing is possible is unclear since the report is not available for background and insight. Moreover, in the more than three years since the report was completed, no action has been taken to implement the DOD conclusion regarding sharing of portions of the band with the public safety community.

IMSA and IAFC urge the Federal Communications Commission, in conjunction with the study required by Section 7502 of the Intelligence Reform and Terrorism Prevention Act of 2004, to press for an assessment of the DOD report conducted in response to the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and to initiate measures with both the National Telecommunications and Information Administration of the Department of Commerce (“NTIA”) and the Department of Defense to move forward with whatever sharing may be available in the 138-144 MHz band, either as recognized by the Department of Defense or as otherwise may be ascertained. If sharing in the 138-144 MHz band cannot be implemented on an effective basis, IAFC and IMSA urge the Commission to work with NTIA to identify other VHF spectrum for the Fire Service and other first responder public safety services.

³ See http://www.defenselink.mil/cgi-bin/dlprint.cgi?http://www.defenselink.mil/releases/2002/b02052002_bt056-02.html.

III. CONCLUSION

Due to the critical need for more VHF spectrum for public safety communications, the International Association of Fire Chiefs, Inc., and the International Municipal Signal Association urge the Commission to pursue opportunities for sharing of federal government spectrum in the 138-144 MHz band, or elsewhere in the VHF frequency band, for public safety communications in accordance with the foregoing comments.

Respectfully submitted,

**INTERNATIONAL ASSOCIATION OF FIRE
CHIEFS, INC.**

AND

**INTERNATIONAL MUNICIPAL SIGNAL
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by */s/ Martin W. Bercovici*

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AMERICA'S FIRE SERVICE

America's fire service consists of 30,000 fire departments staffed by 1.1 million firefighters. Seventy-five percent of America's fire service is staffed by volunteers. The fire service is situated across this country, like a fabric over the land, covering all population areas. It is staffed, trained and equipped to be ready and capable of responding to all types of incidents—both natural and man-made, accidental and deliberate.

While the primary source of funding and support for local fire departments comes directly from local governments, the federal government must play a role in supporting these public safety organizations. Local fire departments stand on the front line of all emergency response, including terrorism. This means that the decisions made by these responders will have a critical impact on the overall response to all emergencies and that local fire departments play a vital role in protecting our nation's critical infrastructure. Finally, because fire departments view emergency response from an "all-hazards" perspective, the support provided by the federal government is used frequently and efficiently.

The fire service responds to 22 million calls each year that include structural fire suppression, emergency medical services, hazardous materials incidents, wildland fires and technical rescues such as high angle, swift water, building collapse, trench rescue, auto extrication and others. It is this expertise, in so many facets of emergency response, honed over millions of calls each year, that makes America's fire service such a valuable asset when lives are on the line.

The terrorist attacks of September 11, 2001, brought greater awareness to the American public and Congress about the important role that local fire departments play in securing our nation from future terrorist attacks. Prepared and practiced first responders lessen the impact of a terrorist attack and make our nation a far less attractive target. As a result of this recognition, the federal government started to support local fire departments through direct funding, enhanced training, and policies to promote better response coordination. Because of the significant role the fire service plays in protecting our nation, this support is both necessary and appropriate.

Perhaps most significantly, the federal government depends on the fire service to make initial decisions when a disaster or terrorist event takes place. The federal government—Congress and the President—will be judged by how well local fire departments respond in the first hours of a significant incident. Fortunately, this reliance is well placed; the fire service has responded to terrorist attacks and hostile situations for many years. A well-trained and properly equipped fire service often makes the difference between a positive, or a disastrous, outcome. Having enough responders, with the proper training and equipment, means that the myriad facets of a comprehensive emergency response—emergency medical treatment, fire suppression, search and rescue, hazardous materials mitigation—can take place simultaneously with considered coordination. The effect of a

coordinated, multi-faceted initial response reduces the human and financial impact of an emergency many times over.

The fire and emergency service protects America's critical infrastructure—the electrical grid, interstate highways, railroads, pipelines, petroleum and chemical facilities. In fact, as a fundamental element of public safety, the fire service is one of the key components of that critical infrastructure, ensuring the continuation of governance. The fire service protects federal buildings, provides mutual aid to military bases, and protects interstate commerce. No passenger airliner takes off from a runway that is not protected by a fire department. No ship has entered or left a port that is not protected by a fire department.

When components of the national critical infrastructure fail, such as the major power failure in the Northeast during the summer of 2003, the fire service responds to the results of those failures. It was the fire service that responded to nursing homes without power, it was the fire service that took electrical generators to supply power to key locations, it was the fire service that rescued hundreds, if not thousands, of people stranded in elevators, and it was the fire service that responded to the increase in serious fires and emergencies as a result of that outage.

The fire service's role in protecting America's critical infrastructure can be clearly seen in the realm of interstate commerce and the transport of goods. The Constitution vests the federal government with the exclusive power to regulate interstate commerce. With this responsibility comes the obligation to assist the local responders who ensure the smooth flow of goods and services among the states. In addition to responding to motor vehicle accidents and automobile fires on interstate highways as well as rail accidents, fire departments also respond to incidents involving hazardous materials. These accidents occur every day, as recent, well-publicized incidents in South Carolina and Utah demonstrate. Both of these accidents resulted in the evacuation of large areas and significant economic disruption. In South Carolina, nine people were killed.

The transportation of hazardous materials forms an integral part of the U.S. economy. When these materials spill or ignite, the fire service responds to protect lives and property and oversee the clean-up of the mess. Every day, there are nearly one million shipments of hazardous materials. Statistics indicate that there will be over 17,000 hazmat incidents each year and that almost 500 of those incidents will be classified as serious—meaning that the incident resulted in a fatality or major injury. Rapid response ensures the smooth function of our transportation system and, by extension, our economy.

Finally, the fire service is a good steward of the American taxpayer's money. Fire service preparedness and response is based on an "all-hazards" approach. It makes little difference if a building has collapsed because of a terrorist attack or an earthquake; the response will be largely the same in either instance. What matters is that the fire department responds quickly and effectively to protect the American public. What this means for the federal government is that resources provided in order to improve response to a terrorist attack will also enhance underlying emergency preparedness capabilities for addressing all other responses. This means that those resources will not sit idly by—

unused and untested. Instead they will enhance the day-to-day operations of the local fire department as well as provide a needed adjunct in the event of terrorist attack.

The fire service stands today as a bulwark of the first responder community; ready to quickly respond to, contain, and resolve nearly all emergencies that arise in our local communities. We are the only entity that is locally situated, staffed, trained and equipped to respond to all types of emergencies. As such, America's fire service stands on the front line protecting lives and property from terrorist attacks and other disruptive catastrophes.



Progress too slow, say 9/11 panelists

By Mimi Hall, USA TODAY

WASHINGTON — Congress and President Bush aren't moving fast enough to protect the nation from terrorist attacks, the leaders of the commission that investigated 9/11 said Tuesday.

Former commission chairman Thomas Kean and co-chairman Lee Hamilton said they are planning a half-dozen hearings in June and July to assess the government's progress in responding to the commission's 567-page report, released last summer. Commission members will issue a "report card" in July.

Kean and Hamilton told reporters and editors at USA TODAY that important recommendations from the report haven't been addressed. Among them are improved efforts to spread American values in the Muslim world and appointing a civil liberties board to monitor the nation's intelligence and security policies.

"We know many of these recommendations are going to be implemented," Kean said. "The question is whether they're going to be implemented before the next attack or after it."

Kean, a Republican former governor of New Jersey, said he is "very, very happy" that Congress and the White House created a national intelligence director post, and he praised the confirmation of former United Nations ambassador John Negroponte to the job.

But he and Hamilton, a Democratic former congressman from Indiana, said Washington has fallen far short in other important areas. Among them:

- Reorganizing Congress to better oversee intelligence and homeland security agencies. Intelligence committees still have no real power because they don't control those agencies' budgets.
- Promoting American values in the Muslim world. Bush recently appointed his longtime adviser Karen Hughes to lead the effort at the State Department, but she's not starting work until the fall.

Kean said the United States is perceived in the Middle East as a military enforcer. "We cannot continue to be the man in the tank — and that's our image in the Arab world," Kean said.

- Making more radio frequencies available so that police, firefighters and other responders will be able to talk to each other during emergencies. Efforts to do so have been bottled up in Congress.
- Appointing a civil liberties board. White House spokeswoman Erin Healy said officials are "actively working to fill the positions" on the board.

For this summer's hearings, Kean and Hamilton won't have the authority to subpoena witnesses, as they did during their 20-month investigation. But they hope to generate enough publicity to pressure members of Congress and the White House to act.

<http://usatoday.printthis.clickability.com/pt/cpt?action=cpt&title=USATODAY.com+-+Progress+too+slow...> 4/28/2005

USATODAY.com - Progress too slow, say 9/11 panelists

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Find this article at:

http://www.usatoday.com/news/washington/2005-04-26-sept-11-progress_x.htm

Attachment C

United States Department of Defense

News Release

On the web: <http://www.defenselink.mil/cgi-bin/dlprint.cgi?>http://www.defenselink.mil/releases/2002/b02052002_bt056-02.html

Media contact: +1 (703) 697-5131

Public contact: <http://www.dod.mil/faq/comment.html> or +1 (703) 428-0711

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IMMEDIATE RELEASE

DEFENSE DEPARTMENT TO SHARE SPECTRUM WITH FIRST RESPONDERS

The Department of Defense today submitted its report to Congress regarding the feasibility of sharing the 138-144 MHz band with public safety users. A DoD Joint Spectrum Center engineering study identified ways sharing would be possible without interfering with DoD operations.

Deputy Assistant Secretary of Defense for Spectrum and C3 Policy Steven Price said, "We believe it is possible to share portions of the 138-144 MHz band with public safety users on a limited, coordinated basis. DoD is willing to work with National Telecommunications and Information Administration, state and local governments and first responders on a case-by-case basis to explore sharing the band for the common good."

While the 138-144 MHz band continues to be critical to DoD operations, the department has found it helpful in emergencies to share communication systems with other first responders. A small number of channels may be shared on a regional basis when it is to the mutual benefit of DoD and public safety officials.

DoD operations that would be affected if this band were interrupted through heavy use of too many channels would include air-surface-air, air traffic control and ground support functions at military airfields, tactical communications for close air support, land mobile radios for sustaining installation infrastructure support and land mobile radios and specialized equipment for training and test range support. Other systems that would be affected include fire and security alarms, and hydrology and utility controls.

The National Defense Authorization Act for fiscal 2000 reclaimed for federal, primarily DoD, use of three megahertz in the 138-144 MHz band previously identified, pursuant to requirements of the Balanced Budget Act of 1997, for reallocation for mixed federal government and non-federal government uses. As Congress understood, the recovery of 3 MHz was and is crucial to fulfilling DoD's spectrum requirements. However, in the conference report, DoD was asked to provide a technical report assessing the feasibility of sharing the 138-144 MHz band with public safety users. In the fiscal 2001 authorization, Congress directed DoD, in cooperation with the Justice Department and the NTIA, to provide for an engineering study with regard to spectrum sharing in the 138-144 MHz band. The assistant secretary of Defense for Command Control Communication and Intelligence (C3I) has submitted this report to the Senate Armed Services Committee and the House Armed Services Committee.

Under direction of Assistant Secretary of Defense for Command, Control, Communications and Intelligence (C3I) John Stenbit, the DoD Joint Spectrum Center conducted an engineering study regarding sharing in the 138-144 MHz band. The resultant classified study showed that the areas of operation associated with the DoD frequency usage in the 138-144 MHz band encompasses nearly the entire continental United States. Large distance separations would be required to prevent co-channel and adjacent-channel interference between DoD equipment and potential state and local public safety systems, particularly in the case of DoD air-ground-air radios.

http://www.defenselink.mil/releases/2002/b02052002_bt056-02.html